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HVAC

COMMONWEALTH OF KENTUCKY
PUBLIC PROTECTION CABINET
DEPARTMENT OF HOUSING, BUILDINGS AND CONSTRUCTION
AGENCY CASE NO. 2014-0014-HVAC
(Division Case# KY-14-02-0012-CE)

DEPARTMENT OF HOUSING,
BUILDINGS AND CONSTRUCTION

COMPLAINANT

v. AGREED ORDER

MICHAEL L. RICE

RESPONDENT

* * * * *

1. The Department of Housing, Buildings and Construction ("DHBC") regulates and licenses heating, ventilation, and air conditioning ("HVAC") master contractors and journeyman mechanics in accordance with the provisions set forth in KRS 198B.650 through 198B.689. Additionally, the DHBC Division of HVAC enforces all statutes, regulations, and applicable code requirements related to HVAC work in the Commonwealth of Kentucky.

2. Michael L. Rice ("Respondent") was, at all relevant times herein, a Kentucky resident, whose residence is located at [REDACTED], [REDACTED].

3. Respondent was at all relevant times herein a Kentucky licensed master HVAC contractor (license #HMO4701) and a journeyman HVAC mechanic (license #HJ12467).

4. On February 18, 2014, DHBC inspector Alan Bates conducted a consumer complaint inspection at 1315 Cleaton Road in Central City, Kentucky, and discovered no

fewer than sixteen (16) violations of the 2007 Kentucky Residential Code related to the HVAC work performed by Respondent.

5. This work was in violation of KRS 198B.688, which requires that installation of an HVAC system governed by KRS 198B.650 to 198B.689 be made in conformity with applicable standards of the Uniform State Building Code. Specifically, this work violated each of the following 2007 Kentucky Residential Code sections: M1305.1, M1403.1, M1403.2, M1411.3.1, M1411.5, M1502.2, M1502.5, M1502.6, M1503.1, M1506.2, M1601.1.1, M1601.2.2, M1601.3.1, R602.8, G2404.9, and E3805.1.

6. The DHBC, Division of HVAC attempted to contact Respondent about these violations by telephone on February 18, March 20, March 25, April 8, and May 12, 2014. On March 11, 2014, the Division of HVAC also sent Respondent a certified letter that allowed Respondent fifteen (15) days to bring the installation into compliance. This letter was signed for on March 17, 2014. Respondent failed to respond to the Division of HVAC's telephone calls or letter, and failed to correct the referenced violations of the 2007 Kentucky Residential Code.

7. The DHBC possesses a range of statutory and administrative authority in addressing violations of KRS 198B.650 through 198B.689, the regulations promulgated thereunder, and the Uniform State Building Code, including license revocation and suspension, and the imposition of fines in an amount up to \$1000 per violation, with each day the violation continues constituting a separate offense. *See* KRS 198B.990(1).

8. In this case, the DHBC has imposed a fine against Respondent in the amount of one thousand six hundred dollars (\$1,600.00) for the above-referenced violations of the 2007 Kentucky Residential Code.

9. In the interest of economically and efficiently resolving the violations described herein, the parties agree as follows:

- a. Respondent agrees to a fine in the total amount of one thousand six hundred dollars (\$1,600.00) for the violation(s) described herein;
- b. Respondent agrees to and shall pay the total fine assessed herein no later than December 1, 2014. Said payment shall be in the form of a certified check or money order made payable to "Kentucky State Treasurer" and mailed to the Department of Housing, Buildings and Construction, Attn: Amber Arnett, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky, 40601; and
- c. Respondent shall devote the time and resources reasonably necessary to ensure continual and full compliance with the Uniform State Building Code, and all statutory and regulatory requirements set forth in KRS 198B.650 to 198B.689 and 815 KAR Chapter 8.
- d. DHBC agrees to pursue no further administrative action based upon the violations described herein and discovered on February 18, 2014, by DHBC inspector Alan Bates during the inspection at 1315 Cleaton Road in Central City, Kentucky.

12. Respondent waives his right to an administrative hearing or to otherwise appeal or set aside this Order.

13. Respondent consents to and acknowledges the jurisdiction of the DHBC over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

14. In consideration of execution of this Agreed Order, Respondent for himself, and for his successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, the DHBC, Office of Legal Services, and each of their members, agents, and employees in their individual capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or equity, that Respondent ever had, now has, may have or claim to have against any or all of the persons or entities named in this paragraph or Agreed Order arising out of or by reason of this investigation, this disciplinary action, this settlement, or its administration.

15. By signing below, the parties acknowledge they have read the foregoing Agreed Order, know and fully understand its contents, and that they are authorized to enter into and execute this Agreed Order and legally bind their respective parties.

16. This Agreed Order shall constitute the Final Order in this matter.

IT IS SO ORDERED on this the 8th day of December 2014.



GARY FECK
Acting Commissioner
Department of Housing, Buildings
and Construction

Agreed to:

This 8th day of December 2014.



Roger Banks, Acting Director
Division of HVAC
Department of Housing, Buildings and Construction

Agreed to:

This 29th day of November 2014.

Michael L Rice

Michael L. Rice

ACKNOWLEDGEMENT

STATE/Commonwealth of Kentucky

COUNTY OF Logan

On this the 29th day of November, 2014, before me
Loria Rice, the undersigned, Michael L. Rice, did personally appear and
entered into and executed the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand.

My Commission Expires: 8-11-2016

Yvonne Rice
Notary Public

CERTIFICATE OF SERVICE

A true and accurate copy of the foregoing Agreed Order was served via U.S.
Postal Service, first class, postage prepaid on this the 9th day of December
2014, to the following:

Michael L. Rice

2053 Denton Cornish Road
Auburn, KY 40306

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